

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:07CR335
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
TERRANCE T. SWIFT,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's motion regarding a potential reduction in sentence under 18 U.S.C. § 3582(c)(2) (Filing No. 70). Defense counsel has been appointed but has not entered an appearance (Filing No. 71).

The Defendant was originally sentenced to 262 months imprisonment. The Defendant was held responsible for at least 150 but less than 500 grams of cocaine base. His base offense level of 32 was increased to 37 because he was found to be a career offender under U.S.S.G. § 4B1.1. After an adjustment for acceptance of responsibility his total offense level was 34, and he was placed within Criminal History Category VI. His sentencing guideline range was 262-327 months. Subsequently, the Defendant was resentenced under Federal Rule of Criminal Procedure 35(b) to 131 months.

Under the recent amendments to the sentencing guidelines, the career offender enhancement under § 4B1.1 would still apply and, therefore, his total offense level and sentencing guideline range of 262-327 months would remain unchanged.

Accordingly,

IT IS ORDERED:

1. The Defendant's motion regarding a potential reduction in sentence (Filing No. 70) is denied; and

2. The Clerk is directed to mail a copy of this Order to the Defendant at his last known address.

DATED this 19th day of March, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge